

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

FOURTH LEGISLATIVE DAY  
THURSDAY, JANUARY 10, 2008

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Darrington, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Tyler Barton, Page.

The Senate advanced to the Third Order of Business.

## Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 9, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

## SCR 122 BY KEOUGH

A CONCURRENT RESOLUTION  
STATING FINDINGS OF THE LEGISLATURE AND  
AUTHORIZING THE JOINT LEGISLATIVE OVERSIGHT  
COMMITTEE TO DIRECT THE OFFICE OF PERFORMANCE  
EVALUATIONS TO CONDUCT A STUDY OF IDAHO'S  
KINDERGARTEN THROUGH GRADE 12 PUBLIC  
EDUCATION FUNDING FORMULA AND TO PROVIDE FOR  
STUDY OBJECTIVES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, this Legislature and the state of Idaho hold as one of our most important priorities the provision of a quality public education system for all of Idaho's children, regardless of where they live or their economic circumstances; and

WHEREAS, Section 1, Article IX of the Constitution of the State of Idaho provides: "The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools."; and

WHEREAS, the Second Regular Session of the Fifty-second Idaho Legislature in 1994 directed the State Board of Education to adopt rules necessary and consistent with a thorough system of education; and

WHEREAS, in response, the Idaho State Board of Education adopted rules that further define the essential ingredients of a thorough education, including establishing standards for each subject and grade level and identifying minimum graduation standards; and

WHEREAS, to ensure success, such a system requires sufficient resources to employ highly qualified teachers and other educators, the provision of appropriate learning materials and technology, and the establishment of assessment programs and practices; and

WHEREAS, the state of Idaho spends the largest share of its general fund, approximately \$1.3 billion in fiscal year 2007, on kindergarten through grade 12 public education; and

WHEREAS, there is an ongoing debate about whether Idaho's public schools are adequately funded, without any clear definition of what is "adequate"; and

WHEREAS, each year, many school districts have to seek additional funds to meet their operational needs; and

WHEREAS, school districts and citizen groups have raised concerns about the adequacy of kindergarten through grade 12 public education funding; and

WHEREAS, there is benefit in a clear and impartially derived determination as to what is an adequately funded kindergarten through grade 12 public education system.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Legislative Oversight Committee is authorized to direct the Office of Performance Evaluations to conduct a study of Idaho's kindergarten through grade 12 public education funding formula in order to identify and evaluate issues relating to the adequacy of kindergarten through grade 12 public education funding, but exclude from the study the issues of facilities and transportation. The Office of Performance Evaluation study shall focus on the following objectives:

(1) Review research on school funding and obtain information from other states and national education organizations to evaluate how Idaho's approach to funding compares to other states' approaches, and identify the strengths and weaknesses of those various approaches;

(2) From the stakeholders' perspectives, identify and evaluate adequacy issues in public education funding in Idaho related to how the current funding formula allocates funds to school districts and, in turn, how school districts allocate funds to individual schools;

(3) Based on data currently available from school districts and the State Department of Education related to spending, student characteristics and performance indicators, attempt to verify and quantify specific issues raised in addressing objectives (1) and (2);

(4) Evaluate how other states have addressed the same kinds of issues facing Idaho, ascertain whether those efforts have proven to be successful and evaluate the feasibility of undertaking similar efforts in Idaho; and

(5) To the extent that avoidable and unintended problems with the current funding formula and allocations of state funds are identified, make recommendations to rectify those problems and, as appropriate, identify options and criteria that permit the Legislature to focus on the highest priority issues that may emerge from this study.

BE IT FURTHER RESOLVED that the Office of Performance Evaluation shall report its study to the First Regular Session of the Sixtieth Idaho Legislature.

**SCR 122** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### **Messages from the House**

January 10, 2008

Mr. President:

I transmit herewith Enrolled **HCR 33** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 33** and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

Senator Cameron was recorded present at this order of business.

#### **S 1246**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO CUSTODY OF THE JURY DURING TRIAL; AMENDING SECTION 19-2126, IDAHO CODE, TO PROVIDE THAT THE JURY MAY NOT BE PERMITTED TO SEPARATE AFTER SUBMISSION OF THE CAUSE AND COMPLETION OF THE SPECIAL SENTENCING PROCEEDING WHERE THE DEFENDANT HAS BEEN CHARGED WITH FIRST-DEGREE MURDER AND THE PROSECUTING ATTORNEY HAS FILED, AND NOT WITHDRAWN, A NOTICE TO SEEK THE DEATH PENALTY.

#### **S 1247**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO DEFENSES TO A CHARGE OF THEFT OF PROPERTY; AMENDING SECTION 18-2406, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE UNLAWFUL RETENTION OF PROPERTY OF ANOTHER.

#### **S 1248**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO ASSIGNMENT OF JUSTICE PRO TEMPORE TO SUPREME COURT; AMENDING TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-215, IDAHO CODE, TO PROVIDE FOR ASSIGNMENT OF A JUSTICE PRO TEMPORE IN THE EVENT OF VACANCY, DISQUALIFICATION, DISABILITY OR ABSENCE OF A SUPREME COURT JUSTICE.

#### **S 1249**

#### **BY KEOUGH**

#### **AN ACT**

RELATING TO WATER; AMENDING SECTION 42-1406B, IDAHO CODE, TO DELETE REFERENCE TO WATER RIGHTS ADJUDICATION IN THE KOOTENAI AND CLARK FORK-PEND OREILLE RIVER BASIN.

**S 1246, S 1247, S 1248, and S 1249** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Friday, January 11, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary